

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR Thursday, October 27, 2011.

Alan Duke, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, October 27, 2011 at 7:02 p.m. in the 1st Floor Meeting Room in Winchester Hall. Present were Carole Jaar Sepe, Robert Fenimore, Mike Bowersox and John Capoccia. Also present were Kathy Mitchell, Assistant County Attorney, and Community Development Division staff Larry Smith, Zoning Administrator, and Craig Terry, Planner.

Official Minutes of the Board of Appeals' meetings are kept on file in the Planning Division.

The Chair stated the rules and procedures for the hearing.

Approval of Minutes

On a motion from Mr. Bowersox seconded by Mr. Capoccia, the board approved the September 22, 2011 minutes. (Yea 5, Nay 0, Abstain 0)

Cases

The Chair swore in all persons who expected to testify at the meeting.

I. B-11-09 William Rucker

Requesting a variance of 8.5 ft. from the required 22 ft. rear yard setback in order to construct a screened sunroom/porch, located on the west side of Braidwood Drive, (3998 Braidwood Drive, Tax Map 96, Parcel 250, Lot 25406), Zoned Planned Unit Development (PUD).

Mr. Bowersox made a motion to deny the request on the basis that the application did not meet the criteria set forth in Section 1-19-3.220 as the property is not unique. The motion was seconded by Mr. Capoccia. (Yea 5, Nay 0, Abstain 0)

II. B-11-10 Douglas & Vlasta Belt

Requesting a variance of 14 ft. from the required 40 ft. front building restriction line in order to build an addition, located on the west side of Rosewood Road (3906 Rosewood Road, Tax Map 97 Parcel 118, Lot 1), Zoned Residential (R-1)

Due to a medical emergency, the Applicant in this case was not present. Mr. Fenimore made a motion to continue the case to November. The motion was seconded by Mr. Capoccia. (Yea 5, Nay 0, Abstain 0)

III. B-11-11 Beazer Homes c/o Gavin Robinson

Requesting a variance of 3 ft. from the 30 ft. rear building restriction line order to complete construction of home, located on the north side of Adamstown Commons Drive (5418 Adamstown Commons Drive, Tax Map 103, Parcel 168, Lot 124), Zoned Residential (R-3)

Mr. Fenimore made a motion to find the parcel unique by reason of the location of the underground utility line and the Building Restriction Line (BRL) on the Final Plat for a garage. The motion was seconded by Mr. Capoccia. (Yea 5, Nay 0, Abstain 0)

Mr. Bowersox made a motion to approve the request on the basis that the property was found to be unique and that the applicant met criteria set forth in Section 1-19-3.220. The motion was seconded by Mr. Fenimore. (Yea 5, Nay 0, Abstain 0)

IV. B-11-12 Brian & Joni Deyaert

Requesting a variance of 3 ft. from the required 25 ft. front yard setback in order to construct a roof cover over existing concrete stoop/porch, located on the northwest side of Club House Court approximately 200 ft. Club House Circle (11296 Club House Court, Tax Map 69, Parcel 121, Lot 108), Zoned Planned Unit Development (PUD)

Mr. Bowersox made a motion to find the property unique by reason of the unusual shape of the site. The motion was seconded by Mr. Capoccia. (Yea 5, Nay 0, Abstain 0)

Mr. Fenimore made a motion to approve the request on the basis that the site was found unique and that the Applicant met criteria set forth in Section 1-19-3.220. The motion was seconded by Mr. Capoccia. (Yea 5, Nay 0, Abstain 0)

V. B-11-13 Scott & Deborah Keimig c/o John Stracener

Requesting a variance of 12 ft. from the 30 ft. required front yard setback in order to construct an accessory structure, located on the corner of Skyline Terrace and Charlotte Drive (6004 Charlotte Drive, Tax Map 76, Parcel 185, Lot 10), Zoned Residential (R-3)

Mr. Bowersox made a motion to find the property unique due to the topography and change in the building restriction line. The motion was seconded by Mr. Fenimore. (Yea 5, Nay 0, Abstain 0)

Mr. Bowersox made a motion to approve the request on the basis that the Applicant met criteria set forth in Section 1-19-3.220. The motion was seconded by Mr. Capoccia. (Yea 5, Nay 0, Abstain 0)

Closing

The Chair announced that the next meeting will be held on November 17, 2011 to review the continued case B-11-10 and recommendation on proposed text amendments.

Being no further business, the meeting adjourned at 8:50 PM.

Respectfully submitted
Carole Jaar Sepe
Vice-Chair

_____/s/
Alan Duke, Chair